

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

ROMONA L. ANDREWS §
§
V. § ACTION NO.4:11-CV-733-Y
§
MICHAEL J. ASTRUE, COMMISSIONER §
OF SOCIAL SECURITY §

ORDER CORRECTING AND ADOPTING MAGISTRATE
JUDGE'S FINDINGS, CONCLUSIONS, AND RECOMMENDATION

On December 10, 2012, the United States magistrate judge issued his findings, conclusions, and recommendation in this case ("the findings"). In the findings, the magistrate judge recommended that the decision of the commissioner of the Social Security Administration of the United States ("the commissioner") denying Plaintiff's claims for disability insurance benefits be affirmed. The magistrate judge's order gave all parties until December 24 to serve and file with the Court written objections to his proposed findings.

Plaintiff filed her objections, asking this Court to reject the findings of the magistrate judge and either render judgment in Plaintiff's favor or remand the case to the commissioner for further proceedings. The commissioner did not file a response.

In her objections, Plaintiff argues that (1) the administrative law judge failed to properly consider the medical evidence that Plaintiff has severe mental impairments and significant nonexertional limitations, (2) her waiver of counsel was ineffective, and (3) the administrative law judge failed to properly evaluate credibility. (Obj. 1.) These issues will be reviewed de novo. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). The Court notes that in his discussion of the commissioner's weighing of the medical evidence, the magistrate judge stated: "With no records from any other treating or examining physician finding any more significant limitations on Andrews' abilities, the Court cannot say that no credible evidentiary choices or medical findings support the ALJ's decision to give Dr. Andrews' opinion less weight." (Findings 17 (emphasis added).) It is clear that the magistrate judge was referencing the medical evidence offered by Dr. Jason Simpson, Plaintiff's consulting physician.

Thus, this sentence is CORRECTED to show that the administrative law judge gave “Dr. **Simpson’s** opinion less weight.” However, this scrivener’s error does not affect the substance of the findings. Indeed, the magistrate judge’s findings are correct in stating the applicable legal precepts and applying those precepts to the facts of this case. Thus after reviewing the findings, record, case law, and Plaintiff’s objections, the Court ADOPTS the magistrate judge’s findings and conclusions as the findings and conclusions of this Court as corrected above and for the reasons stated therein. The Court AFFIRMS the commissioner’s decision.

SIGNED January 9, 2013.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE